

AMENDMENTS TO THE CLAIMS:

1. (Previously Amended) A communication device for use behind an ear, comprising:  
a housing;  
a sound delivery tube coupled to the housing; and  
a self-retaining element, coupled to at least one of the housing and the sound delivery tube,  
*+ above the concha*  
wherein the self-retaining element rests beneath an inferior crus of the ear and provides positive retention of the communication device to the ear when the sound delivery tube is positioned for non-occluded sound delivery to the ear.
2. (Original) The communication device of claim 1 wherein the self-retaining element comprises compound curves in two planes.
3. (Original) The communication device of claim 2 wherein the compound curves of the self-retaining element fits anatomically into an inferior crus fold in a concha bowl.
4. (Original) The communication device of claim 1 wherein the self-retaining element contacts skin inside a fold in a concha bowl beneath the inferior crus of the ear.
5. (Original) The communication device of claim 1 wherein the self-retaining element provides positive retention to the ear on an x-axis, a y-axis and a z-axis.
6. (Original) The communication device of claim 1 wherein the self-retaining element comprises spring properties.
7. (Original) The communication device of claim 1 wherein the self-retaining element is positioned approximately ninety degree with respect to the sound delivery tube.

8. (Original) The communication device of claim 1 wherein the self-retaining element is molded onto the sound delivery tube.
9. (Original) The communication device of claim 1 wherein the self-retaining element comprises one of the following: an "S" shape spring curve, and a "J" shape spring curve.
10. (Original) The communication device of claim 1 wherein the self-retaining element is flexible.
11. (Original) The communication device of claim 1 wherein the self-retaining element is semi-rigid.
12. (Original) The communication device of claim 1 wherein the self-retaining element is constructed from a material selected from a group consisting of: rubber, plastic, and metal.
13. (previously Amended) The communication device of claim 1 wherein the self-retaining element, when positioned on the ear, applies positive retention across the pinna of the ear between the sulcus and the concha.
14. (Original) The communication device of claim 1 wherein the communication device is wireless.
15. (Original) The communication device of claim 1 wherein the communication device is wired.
16. (Original) The communication device of claim 1 wherein the housing has a first section that rests on a sulcus of the ear, and wherein the positive retention of the communication device to the ear results from a space between the first section of the housing and the self-retaining element.

17. (Original) The communication device of claim 16 wherein a dimension across the space between the first section of the housing and the self-retaining element is 0.118 inches +/- .054.
18. (Original) The communication device of claim 16 wherein the space between the first section of the housing and the self-retaining element becomes gradually smaller as the self-retaining element extends further away from the sound delivery tube.